

HOUSE BILL 1375

By Sargent

AN ACT to amend Tennessee Code Annotated, Title 17,
relative to senior judges for adult recovery courts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 17, Chapter 2, Part 3, is amended by adding the following as a new section:

(a) "Adult recovery court" means a specialty court to which a non-violent defendant charged with a felony or misdemeanor is diverted from the regular court system if it is determined that chemical dependency was an underlying reason for the offense or that a treatment program under the supervision of an adult recovery court would give the defendant the best chance of recovery from the underlying cause or causes of the criminal conduct. Adult recovery courts include drug courts under the Drug Court Treatment Act, compiled in title 16, chapter 22, part 1; DUI courts; mental health courts; and veterans treatment courts.

(b) There are created two (2) adult recovery court senior judge positions to maintain and assist the various adult recovery courts in this state when the elected judge of that court resigns, retires, dies or is otherwise unavailable or unable to serve the needs of the court.

(c)

(1) Any former supreme court justice, judge of an intermediate appellate court, or judge of a state court of record who has been the judge of a certified adult recovery court for at least three (3) years prior to application may seek designation by the supreme court to become an adult recovery court senior judge.

(2) An applicant for designation as an adult recovery court senior judge shall send the following to the department of mental health and substance abuse services:

(A) All of the materials and information required by § 17-2-302 for designation as a senior judge;

(B) The judicial district or jurisdiction in which the applicant served as a recovery court judge:

(C) The time period the applicant served as a recovery court judge; and

(D) Proof that the adult recovery court the applicant served was certified for the last three (3) consecutive years of the applicant's service.

(3) The department shall determine if the applicant meets the qualifications of an adult recovery court senior judge and send a list of all applicants meeting the qualifications to the supreme court. All names on the list sent by the department are eligible for appointment by the supreme court as an adult recovery court senior judge in the same manner as senior judges are designated pursuant to the Senior Judge Enabling Act, compiled in title 17, chapter 2, part 3.

(d)

(1) The supreme court shall appoint two (2) adult recovery court senior judges who meet the criteria of this section and § 17-2-303(b). The designation as an adult recovery court senior judge shall be either for a two-year or four-year term as provided in § 17-2-303(c).

(2) An adult recovery court senior judge shall be assigned to a recovery court based on the criteria found in § 17-2-303(b) and in the manner described in § 17-2-304.

(e)

(1) Once assigned, the adult recovery court senior judge shall have the same powers, duties, immunities, compensation, benefits, office facilities, personnel, and office expenses as provided for senior judges pursuant to the Senior Judge Enabling Act.

(2) A retired judge's status as an adult recovery court senior judge may be terminated in the same manner and for the same causes as described in § 17-2-306 for senior judges.

(f) During the time an adult recovery court senior judge is not assigned to a specific recovery court, the senior judge may assist the department of mental health and substance abuse services with the establishment of other recovery courts by providing training and mentoring other prospective recovery court judges and their teams during the recovery court's planning and implementation phases.

SECTION 2. For purposes of making application to be an adult recovery court senior judge, and the department of mental health and substance abuse services determining the list of qualified candidates for the position of adult recovery court senior judge, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, including the appointment of two (2) adult recovery court senior judges by the supreme court, this act shall take effect on September 1, 2017, the public welfare requiring it.